



Meeting Licensing Sub-Committee

Date and Time Monday, 31st January, 2022 at 10.00 am.

Venue Walton Suite, Guildhall Winchester

Note: *This meeting is being held in person at the location specified above. In line with relevant legislation and public health guidance the following arrangements apply. Members of the public should note that a live audio feed of the meeting will be available from the councils website (www.winchester.gov.uk) and the video recording will be publicly available on the council's YouTube channel shortly after the meeting.*

A limited number of seats will be made available at the above named location. Please note that priority will be given to those who have made written representation to the application following confirmation with the Licensing Team, over those wishing to attend and observe. Those who may wish to observe must notify the council at least 3 working days in advance of the meeting.

AGENDA

- 1. Disclosure of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.
Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.
- 2. Application for Review of Premises Licence - Foodies Festival, North Walls Recreation Ground, Gordon Road, Winchester, Hampshire (LR556) (Pages 5 - 46)**

L Kirkman
Strategic Director and Monitoring Officer

21 January 2022

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer
Tel: 01962 848 438 Email: cbuchanan@winchester.gov.uk

The Membership of the Sub-Committee will be:
Councillors McLean (Chairperson), Green and Westwood

Reserve Member: Councillor Laming

Appointments – The Sub-Committee consists of a Chairperson and two other Members who are appointed on a rota basis from the membership of the full Licensing and Regulation Committee (not including deputies) subject to availability. Four Members of the Committee have been nominated as Chairperson for the Sub-Committee and are also appointed on a rota basis.

For the information, the Membership of the Licensing and Regulation Committee is:

Councillors: Bentote, Cunningham, Evans, Green, Kurn, Laming, McLean, Read and Westwood (Deputies: Cllrs Cramoysan, Fern, Pearson and Ruffell)

Licensing Sub Committee – Procedure for Hearing Review Applications.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing will take the form of a discussion led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary to properly consider the matter.

Written objections, representations and petitions will be circulated with the Agenda and Report and will be taken into account by Members of the Sub-Committee. Only those who have made “relevant representations” within the meaning of the Licensing Act 2003 will be entitled to be heard as of right by the Sub-Committee.

1. The **Chairman** will set out the procedure to be followed in the hearing
2. The **Licensing Manager** will introduce the Report.
3. The Members may ask questions of the **Licensing Manager**.
4. The **Applicant for the review** or representative may address the Sub-Committee, as follows:- a) clarification of any points which the Licensing Authority has given notice of (Regulation 7(1)(d) of the Licensing Act 2003 (Hearings) Regulations 2005 b) address the Sub-Committee and present the application.
5. Members of the Sub-Committee may ask questions of the **Applicant** or representative

Responsible Authorities who have made representations will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

6. **Environmental Health Officer**
7. **Police**
8. **Fire Service**
9. **Child Protection Team**
10. **Local Planning Authority**
11. **Health and Safety Executive**
12. **Trading Standards**
13. **NHS Public Health Manager**
14. **Licensing Authority**

Persons who have made Relevant Representations (within the meaning of the Licensing Act 2003) will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

15. **Persons making Relevant Representations**
16. The **Licence Holder** or representative may address the Sub-Committee in order to reply to any representation made in the review application or by a party to the hearing.
17. Members of the Sub-Committee may ask questions of the **Licence Holder** or representative
18. The **Applicant for the review** or representative may address the Sub-Committee in order to reply to any representation made.

19. Members of the Sub-Committee may ask questions of the **Applicant for the review** or representative

The Committee will retire to consider the application in private with only the Head of Legal and Democratic Services' representative and Committee Administrator in attendance. The Committee will reach its determination and notify the applicant of the decision in accordance with Regulations 26 – 29 of the Licensing Act 2003 (Hearings) Regulations 2005.

2.

LR556
FOR DECISION
WARD(S): ST BARTHOLOMEW

LICENSING SUB – COMMITTEE

Monday 31 January 2022 10:00 Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Briony Appletree

Tel: 01962 848188

Email: licensing@winchester.gov.uk

Application: Application for Review of Premises Licence

Premises: Foodies Festival, North Walls Recreation Ground, Gordon Road, Winchester, Hampshire

Part A. Report

- 1 Application**
- 2 Responsible Authorities**
- 3 Other Representations**
- 4 Observations**
- 5 Conditions**
- 6 Other Considerations**

Part B. Appendices

Appendix 1 Application

Appendix 2 Representations from Other Persons

Appendix 3 Premises Licence

Part A.

1. Application

Applicant: Mr Philip Tidridge, Environmental Protection, Winchester City Council

Premises: Foodies Festival, North Walls Recreation Ground, Gordon Road, Winchester, Hampshire

- 1.1 This is an application to review the premises licence for the above premises, submitted in accordance with section 51 of the Licensing Act 2003.
- 1.2 The application was submitted on 14 December 2021 by Mr Philip Tidridge on behalf of the Environmental Protection Team at Winchester City Council, a Responsible Authority as defined under section 13 of the Licensing Act 2003.
- 1.3 The application relates to the prevention of public nuisance licensing objective, and cites incidents from an event held under the premises licence in 2021 as evidence to support the applicant's view that this licensing objective was not promoted. The application can be seen at Appendix 1.
- 1.4 The application proposes the imposition of conditions on the premises licence in order to promote the prevention of public nuisance licensing objective.
- 1.5 The Media Company Publications Ltd have held the premises licence since it was granted in May 2021.
- 1.6 The premises licence authorises the provision of live music and the supply of alcohol (for consumption on and off the premises), for a maximum of 3 consecutive days per calendar year. Full details of the operating schedule and conditions can be seen at Appendix 3.
- 1.7 Notice of the application to review the premises licence was displayed at the premises for a period of 28 days until 11 January 2022. It was also published on the Council's website.
- 1.8 No representations have been received from Responsible Authorities.
- 1.9 Representations have been received from four 'Other Persons', including two Ward Councilors. These are shown at Appendix 2.
- 1.10 Notice of the hearing was sent to all parties on 18 January 2022.

Designated Premises Supervisor

Jeremy Hitchen.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Environmental Health

Applicant, as the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.

Hampshire Constabulary

No representations received.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Building Control

No representations received.

Head of Trading Standards

No representations received.

Public Health Manager

No representations received.

Home Office

No representations received.

Licensing Authority

No representations received.

Planning

No representations received.

3. Representations from Other Persons

Representations have been received from four 'Other Persons'. These are shown in Appendix 2.

4. Observations

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take the following steps it considers appropriate to promote the Licensing Objectives:

1. Modify the conditions attached to the premises licence either permanently or temporarily for a period not exceeding three months;
2. Exclude a licensable activity from the premises licence either permanently or temporarily or for a period not exceeding three months;
3. Remove the designated premises supervisor from the premises licence;
4. Suspend the premises licence for a period not exceeding three months;
5. Revoke the premises licence.

In deciding which of these powers to invoke, it is expected that the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

Licensing Objectives

Crime and Disorder

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.9, 2.9 - 2.11, 2.17, 2.19 – 2.21 and Part 4 Section A)

Public Safety

The Sub-Committee should consider any appropriate conditions relating to public safety having regard to the relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, B2, B3)

Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, D6, D7)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, appropriate in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

Public Sector Equality Duty

The Public Sector equality duty must be taken in to consideration with all decision making. The duty is stated in section 149 of The Equality Act 2010. This application raises no considerations under this Act.

5. Conditions

Existing Conditions

All existing conditions on the premises licence can be seen at Appendix 3.

Possible Conditions

The Sub-Committee may wish to consider the following conditions, as suggested by Mr Tidridge in the application:

- PN5: All noise levels from the music shall not exceed 55dB LAeq (15 minutes) at monitoring locations agreed in writing with the Licensing Authority.
- PN6: The monitoring locations shall be agreed in writing with the Licensing Authority no later than 28 days before any event commences. These locations shall be representative of the noise levels experienced at the nearest domestic premises and shall be measured in free field conditions in the absence of other significant local noise sources.
- PN7: The premises licence holder shall appoint a competent noise consultant to monitor and record on site and off site music noise throughout the event to ensure compliance with noise level required under PN5. All monitoring performed shall be made available to the Licensing Authority upon request. Such records shall be kept for a minimum of 3 months after any event finishes.

6. Other Considerations

Council Strategy Outcome (Relevance To:)

This report relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

Resource Implications

No fee is applicable for this application. In regulating the activities it is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Mr Philip Tidridge, Environmental Protection, Winchester City Council
2. Representations by Other Persons
3. Premises Licence

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Winchester

City Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Philip Tidridge

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

North Walls Recreation Ground
Gordon Road

Post town Winchester

Post code (if known) SO23 7DD

Name of premises licence holder or club holding club premises certificate (if known)

The Media Company Publications Ltd, 115 George Street, Edinburgh, EH2 4YR.

Number of premises licence or club premises certificate (if known)

PREM813

Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other
title

(for example, Rev)

Please tick yes

Surname

First names

I am 18 years old or over

Please tick yes

**Current
postal
address if
different
from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Public Protection (Environmental Protection Team), Winchester City Council, City Offices, Colebrook Street, Winchester, Hampshire
Telephone number (if any) -----
E-mail address (optional) -----

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Amplified music from live bands that formed part of the festival between 16 to 18 July 2021 resulted in 8 separate noise complaints being received by Environmental Health after the event took place.

Following investigation into these complaints and subsequent discussion with the Premises Licence Holder, the Environmental Health team remain concerned that sufficient measures to prevent public nuisance may not be implemented for future events. It is understood an event is currently proposed for 15 to 17 July 2022.

Environmental Health are therefore requesting that this licence is reviewed on public nuisance grounds and either suspended or amended, as considered appropriate by the Licensing Committee.

Additional information, including suggested additional conditions have been provided in section 3 to assist in making this decision.

Please provide as much information as possible to support the application
(please read guidance note 3)

Following an application made by Sue Hitchen of the Media Company Publications Ltd, a series of conditions were agreed to assist in achieving the licensing objective for the prevention of public nuisance. These for ease of reference are detailed below:

PN1 The premises licence holder shall produce an initial noise management and community liaison Plan (NMP) at least 90 days prior to the commencement of the event. The final NMP shall be submitted to the licensing authority for agreement no later than 30 days prior to the commencement of the event. No alterations to the NMP after this date shall be made by the Premises Licence Holder except with the written consent of the Licensing Authority.

PN2 The final NMP shall contain the methodology which shall be employed to control the sound produced on the premises. The NMP must include all of the arrangements for preventing public nuisance and consultation with the local community and shall include:

- a) An inventory and location of all sound systems to be used on the site
- b) Management command and communication structure/methods for ensuring that permitted sound system output and finish times are not exceeded
- c) Publication and dissemination of information to the public and arrangements for provision and staffing of a hotline number for dealing with complaints
- d) Actions to be taken by the event organiser following complaints

PN3 The premises licence holder shall ensure compliance with all aspects of the noise management and community liaison plan.

PN4 At least 7 days prior to an event the premises licence holder shall provide to the licensing authority a telephone number for contacting the premises licence holder or a nominated representative during the course of an event.

It has been established that the licence holder did not comply with any of these requirements as the licensing authority have no record of having received either a draft or final NMP (PN1 to 3) or being advised of a telephone number by the deadline required by PN4

Irrespective of this non compliance, Environmental health was keen to establish what measures were put in place. Following an initial remote "Microsoft Teams" meeting an exchange of dialogue by email occurred between myself and Sue Hitchen of The Media Company Publications Ltd. The main text from these emails (with dates) is provided in full below (with full names removed). This should be self-explanatory and provides a good overall picture of both the concerns flagged up and the premises licence holder's position regarding these matters.

02 August 2021

Dear Sue

Further to the teams meeting at lunchtime, agreed actions summarised below:

Provide -

1. Copy of letter given to local residents plus list of addresses it was hand delivered to.
2. Copy of paperwork submitted in accordance with conditions PN1 PN2 and PN4 of your premise licence (PREM 813) and confirmation if possible of when and to whom such was sent.
3. Details of sound monitoring performed (both by ear and by noise meter) – together with records of any readings taken.

During the meeting I confirmed I would advise you of any times specifically referenced and the name of the roads on which these were located. Having reviewed the noise reports I can confirm none made any specific reference to a particularly bad time, more the cumulative effect over the 3 days. As to location (for those that provided an address):

Hyde Abbey Rd
Colson Close
St Pauls Hill
Wales Street
Alswitha Terrace
Saxon Road
King Alfred Place

I have plotted approx. centre of these roads on below map, bar the one outlier (St Pauls' Hill) these were all likely sensitive noise receptors due to distance away from site.

11 August 2021

Dear Phil and Abby

I am so sorry for the delay in responding but wanted to get answers in from the team and a number of them were taking a break in our festival schedule.

I attach a copy of the letter that was distributed to local residents.

The list of the addresses where they were door dropped is as follows and a map is attached

Nuns Road
Birinus Road
Monks Road
King Alfred Place.

We had a fair few letters brought in to gain entry to the event and I have checked with our Front of House, Box office and security team and no noise complaints were received by them I have had a statement through from Terry the Site Manager about the noise monitoring: During the event I regularly checked noise levels by ear as suggested by Abby at the nearest properties and found no cause for alarm. The level was obviously audible but not to a level to make you talk any louder.

The noise levels are constantly monitored by the front of house technicians keeping them to a specific level.

Just to confirm that neither Terry or myself received any noise complaints during the event.

Terry returned Abbys call last week but was not able to speak to her.

Please could you send a copy of the licence through to me so that I can comment on it.

kind regards

Sue

12 Aug 2021

Dear Sue

Thank you for your email and information contained therein. Your premises licenses is PREM 813 and I have screen grabbed the public nuisance conditions attached to this premises licence below:

If you have any further comment can you please provide this by end of 18 August as thereafter I will be making recommendations as to the way forward from an Environmental Health regulatory perspective. As already advised I am currently minded to request that the premises license is called in for review with the decision being a matter for the licensing subcommittee to decide upon.

Regards

Phil

18 Aug 2021

Good to have spoken to you just now and to explain that unfortunately I did not receive the

paper licence through before the event and I did not have the above condition in writing to refer to.

However the noise management plan was submitted in advance of the event and the site plan showed the position of the stage but I did not realise that you needed the inventory and location of all sound systems.

The Management command structure and communication structure was submitted in the EMP and we made sure that finish times were not exceeded.

As discussed my mobile phone number was given to licensing in advance of the event and was also given in the letter to residents in advance of the event. The phone was manned as a hotline number throughout the event and I did not receive any noise complaints.

I have spoken to Neil on the sound desk and the sound level was monitored as 85db/90db at the desk.

kind regards

Sue

Conclusions

We have concluded that although there was non-compliance with PN1 to 4 some actions were taken to comply with the licensing objective for the prevention of public nuisance. However, these appear to have been inadequate. Specifically our concerns remain:

- The Premises Licence Holder's justification of not receiving a paper copy of the licence does not excuse the lack of compliance of conditions agreed and confirmed in writing by them. The Premises Licence Holder would have had a full record of the conditions that were ultimately proposed by them and were legally required to display this licence at their event.
- One resident within the area that was reported to have been sent a letter has advised that they did not receive one and the area covered was in any case very limited.
- The noise monitoring performed seems to have been limited and no records were made.
- Licensing have no record of being informed of the emergency telephone number as suggested and several local resident have reported that when they rang the number it was not answered. My colleague did receive the telephone number but only a day before the event after requesting it and not within the timeframe required by the licence condition.

In summary we currently have limited, if any, confidence of the Premises Licence Holder's ability to prevent public nuisance at a future event. If an event does occur, as is proposed for July 2022, Environmental Health will have to ensure a greater presence at this event despite the additional strain on very limited staffing resources, particularly over these summer months.

We therefore request that as a minimum additional conditions are included in the licence to further clarify our expectations with regards to the prevention of public nuisance licensing objective. These conditions impose specified noise levels and are therefore more prescriptive and more appropriate in a situation for a higher risk event where compliance with the licensing objectives are of concern.

We would of course respect and support the committee's decision to take more significant actions that are available to them should they consider that appropriate.

Suggested Additional Conditions:

PN5 All noise levels from music shall not exceed 55dB LAeq (15 minutes) at monitoring locations agreed in writing with the Licensing Authority.

PN6 The monitoring locations shall be agreed in writing with the Licensing Authority no later than 28 days before any event commences. These locations shall be representative of the noise levels experienced at the nearest domestic premises and shall be measured in free field conditions in the absence of other significant local noise sources.

PN 7 The Premises Licence holder shall appoint a competent noise consultant to monitor and record on site and off site music noise throughout the event to ensure compliance with noise levels required under PN5. All monitoring performed shall be made available to the Licensing Authority upon request. Such records shall be kept for a minimum of 3 months after any such event finishes.

Please tick yes

Have you made an application for review relating to the premises before?

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Date **14/12/2021**

.....

Capacity **Winchester City Council Environmental Health**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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Appendix 2 – Representations from Other Persons

Jim Bruce

13 King Alfred Place, Winchester, SO23 7QQ

Received 22 December 2021

Subject: Review of the licence for North Walls held by The Media Publication Company Limited for its “Foodies Festival”

I would like to comment on the review of the licence for North Walls held by The Media Publication Company Limited for its “Foodies Festival”.

I completely support the concerns raised by Environmental Health in its review application regarding the prevention of public nuisance, specifically noise nuisance from amplified music, and particularly its concern “that sufficient measures to prevent public nuisance may not be implemented for future events”. I would therefore ask that the licence be suspended.

This organisation does not appear fit to hold a licence for an event of this type, based on:

- The previous non-compliance of the company with the conditions of its licence (as per Environmental Health’s statement in its application “It has been established that the licence holder did not comply with any of these requirements.”). This was not failure to meet just one condition, it was failure to comply with any of the conditions set.
- The inconsistency between the company’s claimed actions at the last event in 2021, for example letters delivered to some (very limited) streets, and non-receipt of letter reported by a resident (as per EH’s application for licence review).
- The lack of professionalism or procedures in place for complying with the conditions of its licence, for example the lack of records of any noise monitoring in 2021 (as cited in the EH application for review), and the site manager’s statement “during the event I regularly checked noise levels by ear”, (as per the licence holder’s subsequent correspondence with Environmental Health), cited by the licence holder as an example of its rigorous monitoring of noise levels.
- The absence of any change of management, procedures or apparently, attitude at The Media Publication Company Limited since the 2021 event, as evidenced by its subsequent correspondence with Environmental Health.

As a resident of King Alfred Place we received no letter, nor were letters even planned for our street, and there was no mechanism to complain to the event organisers or team during the event. There was very loud music on many occasions despite this being a food festival. This is a commercial event run immediately adjacent to a residential area, and an SSSI Nature Reserve.

Appendix 2 – Representations from Other Persons

It's also important to note that this is primarily a music event, not food; the event scheduled for North Walls in June 2022 specifically promotes its music above food, see <https://foodiesfestival.com/events/winchester/> for details of its headline acts currently promising musical entertainment from 11am to 9pm across 3 days.

This licence holder is not fit to hold future events on North Walls; it has not demonstrated its ability to comply with licensing conditions in the future, has a past record of non-compliance, and in line with Licensing Act 2003's provisions the licence should be suspended.

Thank you

Jim bruce
King Alfred Place

My address is 13 King Alfred place, so23 7dq

Appendix 2 – Representations from Other Persons

J Soffe**13 Alswitha Terrace, Winchester, SO23 7DQ****Received 24 December 2021**Subject: RE: Review of Foodies Festival Licence, North Walls

I would like to comment on the review of the licence for North Walls held by The Media Publication Company Limited for its “Foodies Festival”. I am a local resident and one of the complainants regarding the 2021 event.

I completely support the concerns raised by Environmental Health in its review application regarding the prevention of public nuisance, specifically noise nuisance from amplified music, and particularly its concern “that sufficient measures to prevent public nuisance may not be implemented for future events”. I would therefore ask that the licence be suspended.

This organisation does not appear fit to hold a licence for an event of this type, based on:

- The previous non-compliance of the company with the conditions of its licence (as per Environmental Health’s statement in its application “It has been established that the licence holder did not comply with any of these requirements.”). This was not failure to meet just one condition, it was failure to comply with any of the conditions set.
- The inconsistency between the company’s claimed actions at the last event in 2021, for example letters delivered to some (very limited) streets, and non-receipt of letter reported by a resident (as per EH’s application for licence review).
- The lack of professionalism or procedures in place for complying with the conditions of its licence, for example the lack of records of any noise monitoring in 2021 (as cited in the EH application for review), and the site manager’s statement “during the event I regularly checked noise levels by ear”, (as per the licence holder’s subsequent correspondence with Environmental Health), cited by the licence holder as an example of its rigorous monitoring of noise levels.
- The absence of any change of management, procedures or apparently, attitude at The Media Publication Company Limited since the 2021 event, as evidenced by its subsequent correspondence with Environmental Health.

As a resident of Alswitha Terrace I live immediately adjacent to North Walls Rec where the event was held. As per my complaints during the event to WCC councillors, and subsequent correspondence with the Environmental Health team (emails July and August 2021), we received no letter, nor were letters even planned for our street, and there was no mechanism to complain to the event organisers or team during the event. As I wrote to the EH team afterwards, “The noise was probably worst Saturday afternoon and evening... ...there was very loud music

Appendix 2 – Representations from Other Persons

from lunchtime onwards, with a presenter shouting “Come on let’s make some noise” and “Louder” at regular intervals.”

I’d like to highlight that the “Foodies Festival” is a commercial event run in, for example, Tatton Park (1000 acres), Hylands Park Chelmsford (574 acres), Durdham Downs Bristol (422 acres), Escot Park Exeter (1000 acres) and is currently scheduled to bring its equipment and procedures to Winchester’s North Walls (30 acres). Immediately adjacent to a residential area, and an SSSI Nature Reserve.

It’s also important to note that this is primarily a music event, not food; the event scheduled for North Walls in June 2022 specifically promotes its music above food, see <https://foodiesfestival.com/events/winchester/> for details of its headline acts currently promising musical entertainment from 11am to 9pm across 3 days.

This licence holder is not fit to hold future events on North Walls; it has not demonstrated its ability to comply with licensing conditions in the future, has a past record of non-compliance, and in line with Licensing Act 2003’s provisions the licence should be suspended.

Thank you for your attention.

J. Soffe
13 Alswitha Terrace
SO23 7DQ

Appendix 2 – Representations from Other Persons

Cllr Paula Ferguson (St Bartholomew)

Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ

Received 10 January 2022

Subject: Review of premises licence PREM813 for Foodies Festival on the grounds of the prevention of Public Nuisance.

Dear Winchester City Council

I am writing in support of the application for a review of the premises licence PREM813 from Environmental Health, Winchester City Council on the grounds of the prevention of Public Nuisance. This licence is held by The Media Company Publications Ltd, 115 George Street, Edinburgh, EH2 4YR, and relates to North Walls Recreation Ground, Gordon Rd, Winchester, SO23 7DD and covers the Foodies Festival to be held on 15th -17th July 2022.

During the weekend of the Foodies Festival in 2021, residents on all sides of North Walls Recreation Ground, including residents in Hyde, on the Worthy Rd, on the edge of Abbotts Barton, on Wales St and on Park Avenue were all adversely affected by loud music emanating from the festival.

Many residents complained to me and my fellow ward councillors Cllr. Becker and Cllr. Tippett-Cooper that they had been disturbed by the constant noise from the sound systems that they felt was far too loud. They were also frustrated that they had not received notification of the festival by the festival organisers nor were they given the means to contact the festival organisers during the event should they need to. As ward councillors we were also not given a contact number to call should issues arise. Residents felt the sound system and the music was too loud, that it was almost constant throughout the 3 days, and went on too late in the evening. Residents questioned why a festival which was meant to be about food had in fact turned into a music festival. In addition, concerns were raised about: the impact on the fields of heavy vehicles and the harm done to surfaces as a result; the failure to remove advertising from lampposts after the event; traffic control around the event.

North Walls Recreation Ground is a relatively constrained space, in the heart of a residential area. Many houses in Hyde are right next to the park and these were particularly adversely affected.

While many residents enjoy the festivals that take place on North Walls Recreation Ground during the summer months, I would urge that conditions within this licence are changed and tightened to prevent the public nuisance re-occurring. In addition to the measures recommended by the Environmental Health Team, I would ask that specific restrictions are placed on when and how loudly music can be played, and for how long; that all residents in the surrounding area including Wales St, Park Avenue and all the streets in Hyde between North Walls Recreation Ground and Worthy Rd are notified of the festival in writing and given a hotline number which will be

Appendix 2 – Representations from Other Persons

answered should residents need to call; that the organisers be required to ensure steps are taken to mitigate the other issues outlined above (i.e. advertising posters, traffic and impact to the fields); that there is a greater emphasis that this is primarily a food festival and not a music festival; and that if the new terms of the licence are breached that the festival can be closed.

Cllr Paula Ferguson

Councillor for St Bartholomew Ward
Winchester City Council
City Offices
Colebrook St
Winchester
SO23 9LJ

Appendix 2 – Representations from Other Persons

Cllr John Tippett-Cooper (St Bartholomew)
Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ
Received 10 January 2021

Subject: Re: Review of premises licence PREM813 for Foodies Festival on the grounds of the prevention of Public Nuisance.

Dear Winchester City Council

I write to endorse and support Cllr Ferguson's comments.

In addition to the points raised by Cllr Ferguson, residents fed back to me with concerns about traffic management, damage to the fields and also fly-postering in respect of this event - these issues should be raised with the organisers.

I am also a resident on King Alfred Terrace and while many in our area welcome the energy and buzz of such events, as Cllr Ferguson sets out, there needs to be more effective controls on the volume and duration of the noise. I would also make clear that, as a resident, I did not personally receive any notification or information about this event from the organisers and it is imperative that contact details are provided of a someone who can intervene if noise volumes or any other matter become an issue.

Very many thanks

Cllr John Tippett-Cooper
Councillor for St Bartholomew Ward
Winchester City Council

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Premises Licence

Premises Licence Number

PREM813

21/00291/LAPRMN

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

North Walls Recreation Ground
Gordon Road
Winchester
Hampshire
SO23 7DD

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

- e) Live Music
- j) Supply of Alcohol

Times the licence authorises the carrying out of licensable activities

- e) Live Music
- j) Supply of Alcohol
 - (i) **Friday to Sunday** **1100 to 2100**

The opening hours of the premises

- (i) **Friday to Sunday** **1100 to 2100**

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

The Media Company Publications Ltd
115 George Street
Edinburgh
EH2 4YR

Registered number of holder, for example company number, charity number (where applicable)

Registered Company Number **SC224012**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Jeremy Hitchen

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number **HO3823**

Licensing Authority **London Borough of Hounslow**



Service Lead – Public Protection

Annex 1 – Mandatory conditions

Where the Licence Authorises Supply of Alcohol:

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Where the Licence requires Door Supervision:

Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – effective from 1 October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a times limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carried a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
– effective from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula- **$P = D + (D \times V)$** where-
 - (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

All Licensing Objectives

- A1: This licence shall authorise the relevant licensable activities for a maximum of 4999 persons, which shall include all persons present at the premises regardless of their capacity including, ticket holders, performers, guests and staff. A maximum of 4999 persons may be on the premises at any one time.
- A2: The premises licence shall authorise the licensable activities for one event, running for no more than 3 consecutive days, each calendar year.
- A3: The Premises Licence Holder shall submit an initial Event Management Plan (EMP) and an appropriate site plan to the Licensing Authority at least 90 days in advance of each event and a final version of the Event Management Plan to the Licensing Authority at least 30 days prior to the event. This will include but not be limited to:
- Event Management Structure, roles and responsibilities;
 - Alcohol Management Plan;
 - Traffic Management Plan;
 - Security & Steward Management Plan;
 - Noise Management Plan;
 - Major Incident and Emergency Plan;
 - Medical Provision Plan;
 - Evacuation Plan;
 - Counter Terrorism Plan;
 - Food Safety Policy;
 - Zero Tolerance Drugs Policy;
 - Search Policy;
 - Use of Glass Policy;
 - Ejections Policy;
 - Safeguarding Policy;
 - Welfare Policy;
 - Lost Child Policy;
 - Vulnerable Adults Policy;

- Health and Safety Plan including but not limited to Risk Assessments and Method Plans;
- Fire safety plan;
- Adverse weather plan

- A4: The deadline for submission of the EMP may be altered in writing by the Local Authority Head of Licensing following a written request from the Premises licence Holder.
- A5: The arrangements (as detailed in the final Event Management Plan) for protecting public safety, preventing crime and disorder, protecting children and preventing public nuisance shall be fully implemented prior to and during the event. The event will be delivered in full accordance with the EMP submitted.
- A6: A team of suitably qualified professionals will be employed to deliver the Operational Management of the event. Details of appointed contractors and appointed roles and responsibilities will be included in the EMP along with up to date contact details.
- A7: A detailed programme of all licenced and operational timings and venues will be included as part of the EMP.

Crime and Disorder

- CD1: The premises licence holder shall ensure that there is a personal licence holder on site at all times that the premises is open to the public, and that this personal licence holder supervises all alcohol sales in line with the Alcohol Management Plan.

Public Safety

None.

Public Nuisance

- PN1: The Premises Licence Holder shall produce an initial Noise Management and Community Liaison Plan (NMP) at least 90 days prior to the commencement of the event. The final NMP shall be submitted to the Licensing Authority for agreement no later than 30 days prior to the commencement of the event. No alteration to the NMP after this date shall be made by the Premises Licence Holder except with the written consent of the Licensing Authority.
- PN2: The final NMP shall contain the methodology which shall be employed to control the sound produced on the premises. The NMP must include all of the arrangements for preventing public nuisance and consultation with the local community and shall include:
- a) An inventory and location of all sound systems to be used on the site.
 - b) Management command and communication structure/methods for ensuring that permitted sound system output and finish times are not exceeded.

- c) Publication and dissemination of information to the public and arrangements for provision and staffing of a hotline number for dealing with complaints.
- d) Actions to be taken by the Event Organiser following complaints.

PN3: The Premises Licence Holder shall ensure compliance with all aspects of the Noise Management and Community Liaison Plan.

PN4: At least 7 days prior to an event the Premises Licence Holder shall provide to the Licensing Authority a telephone number for contacting the Premises Licence Holder or a nominated representative during the course of an event.

Protection of Children

PC1: The premises licence holder shall ensure that unaccompanied children are not admitted to the site.

PC2: The premises licence holder shall ensure that a Challenge 25 policy is in effect with regards to the sale of alcohol.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

See attached



foodies FESTIVAL

Project:
Foodies Festival
Winchester 2021

Client:
Foodies Festival

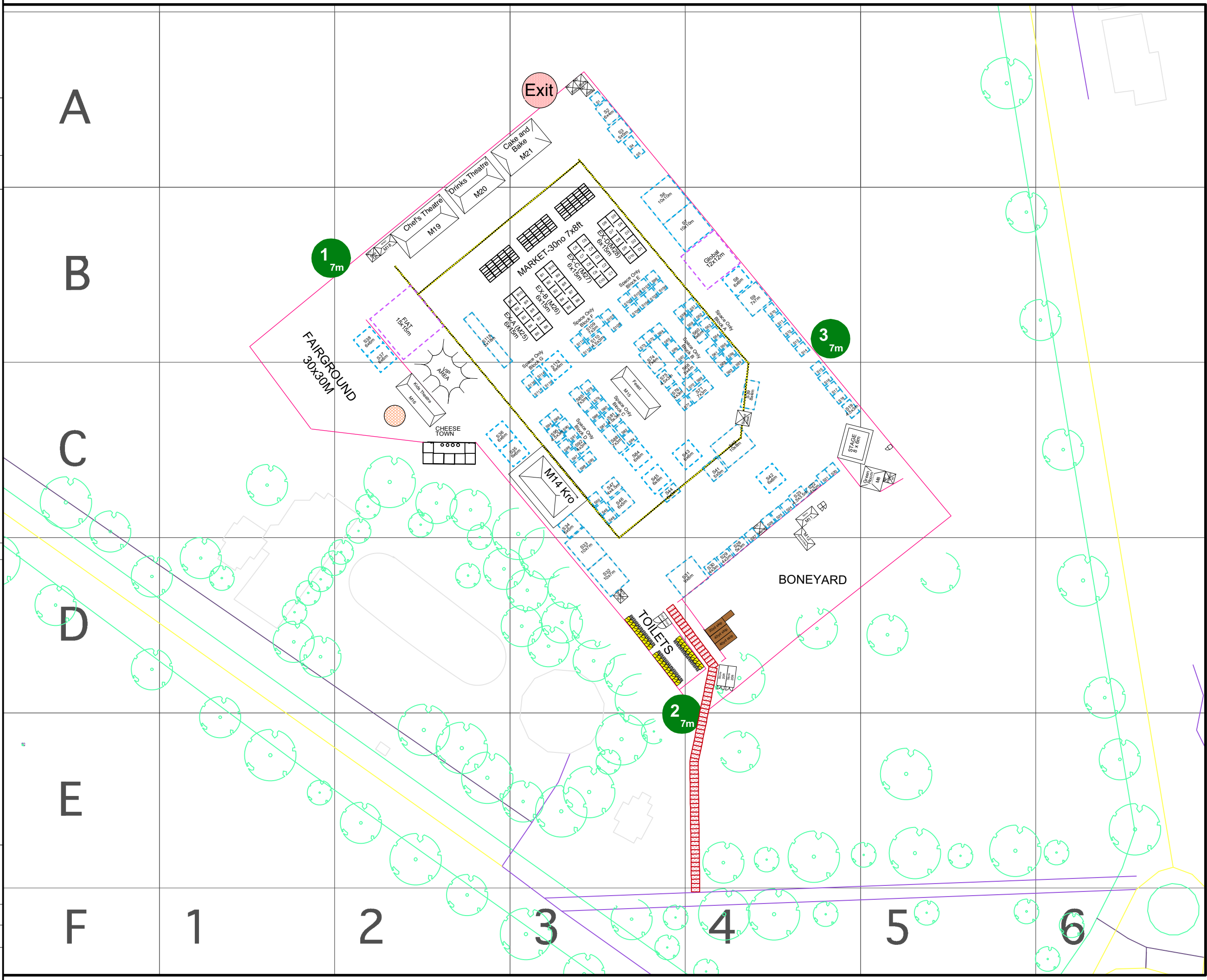
- Key:
- FENCE - HERAS
 - FENCE - STAGE BARRIER
 - FENCE - PED BARRIER
 - - - FESTOON
 - TRACKMAT
 - SPACE ONLY PITCH
 - STRUCTURE
 - EMERGENCY EXIT GATE

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Ref	Size	Use

Sheet Title:
FULL SITE

Project Director Rob Scully	Scale 1:800 @ A3
Site Manager	Issue Date 11/04/21
Drawn By Clare Goodchild	Issue Number V2
Project ID FF21	





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Foodies Festival 2021 - Public comment received by or forwarded to Environmental Health

The below are copies of the "Your Winchester" feedback plus responses to an email asking for clarification of issues experienced where this had not been provided

Hello,

My wife forwarded this to me as I am also complaining about the noise from the Rec. I will answer your questions.

- 1/ The noise continued unabated from the start of the festival until 30-40 minutes after the supposed finish time on each day.
- 2/ I am willing to give a written statement and attend a hearing.
- 3/ We received no notification of the event.
- 4/ Since no hotline was provided it was impossible to call the organiser.

I have actual recordings of the noise measured with a noise meter. I am attaching links.

Today we have a similar amount of noise (not as bad so far), and of course we had no warning, no notices and no hotline.

I personally feel that the Rec is not a suitable place for such events, PS the full effect of the noise cannot be heard without good headphones or good speakers.

I am a neighbour of [redacted] and live in [redacted] Hyde. I spoke with her over the weekend about the loud music at the Food Festival. I certainly don't wish to stop people enjoying themselves and I like events such as this, however, I had no idea that we were going to have a 'rock concert' in North Walls Recreation Grounds last weekend. The incessant beat of the bass was enough to drive one crazy! I went over to the Food Festival on the Saturday and spoke with one of the security team; she said she would take my request, to turn the noise level down, to the people on the stage and someone in charge. The music, however, remained at the same volume for the rest of the day and became much louder in the evening. I then phoned the Out of Hours Council phone line and I left a message but was not able to contact anyone directly over the weekend. I had a phone call yesterday from a lady at the Council asking for more information about my complaint – I'm afraid I was in the Swimming Pool changing area and had no pen/paper, so have forgotten her name – she said that if asked I should say I'd spoken with a lady whose name was difficult to pronounce (I think she was American or Canadian). She said that a meeting with the Food Festival organisers was being set up and people's concerns about the noise levels would be raised.

In the past we had concerns about the noise levels from 'Boomtown' and contacted our MP who contacted the Council on our behalf; things were much better in subsequent years – to the point that I could hardly hear anything from 'Boomtown' the last year it was on.

I understand that the North Walls Recreation Grounds are going to be used regularly for events; as residents close to this area we need to be able to contact someone who can take quick action to sort any problems out at the time, rather than having to talk about it afterwards.

Regards

1. When were you disturbed and was the noise better/worse at particular times that you noted?
Friday evening, all day Saturday and Sunday, so throughout the event. The noise was probably worst Saturday afternoon and evening until c.19.40; there was very loud music from lunchtime onwards, with a presenter shouting "Come on let's make some noise" and "Louder" at regular intervals.

2. Would you be willing to provide a written witness statement and attend a licensing review hearing if requested to do so?
Yes, if I know what it's intended to achieve.

3. Did you receive a hand delivered letter from the event organiser through your door prior to the event?
No. No communications from the event organiser received.

4. Did you call the event organiser on their complaint hotline and if so what happened?
No, I wasn't aware that there was a complaint hotline. There was no complaint hotline publicised in any way. And I walk around the area and consume local media. I called the Council, who told me that it would be a matter for the police post-12pm, or I could fill out a form.

Thank you for your assistance regarding this matter and please be assured we are taking this matter seriously.

Thanks for your email. I'm glad to hear there is an investigation into this. I am very concerned that this area (the recreation ground adjacent to Winnall Moors nature reserve) has been more and more frequently used to hold events. Only this weekend there has been the cheese and chilli festival. Which I didn't know was happening until I wandered over there to see what the noisy PA

system was bleating on about. I have also heard that the residents in the Hyde area are getting complementary invites to some of these events?! If this is true then this is a blatant case of elitism. The nature reserve may screen Winnall from sight but it doesn't provide any sound barrier at all. If it were the other way around and there was a music event happening in Winnall there would be an outcry.

In answer to your questions:

1. I have been disturbed all weekend (on several weekends lately). I have felt that I need to keep my patio doors shut in order to escape the cheesy, middle of the road dross and chattering PA systems. The noise has been loud and continuous.

2. Yes I would be willing to provide a written statement and attend a licensing review hearing.

3. No I haven't received any letters for any of these events.

4. No I didn't contact the organisers for these events because I had no warning and didn't know what they were.

I do appreciate you getting in touch about this and I look forward to hearing more from you soon.
Best wishes,

What do you think we did wrong or didn't do?
I'd like to complain about the volume of the music coming from the recreation ground behind Winnal Moors. I don't know what the event is and I've had absolutely no warning about it. I live at [REDACTED] it's Sunday evening and the music has been going on all weekend. I like a party as much as the next person but this is a residential area and I've had enough of it. I really hope that it finishes soon, I've got a very early morning tomorrow and this is making feel so cross!

How has the issue affected you or anyone else?

It has affected me and I'd be very surprised if no one else has complained

What do you think we should do to rectify the situation?

Let residents know in future, don't carry it on, on a Sunday evening

Your name

[REDACTED]

What is the statutory nuisance you would like to report?

Noise

Information Box

Until the event closed, and throughout today (Saturday 17 July) whilst sat in my garden at my property on [REDACTED] it has been possible to hear music and PA system broadcast from North Wall Food Festival. Whilst I very much support such cultural events, I do not believe that they should cause disturbance to the community, certainly one which is over 1km away. I would like to raise this matter with the organisers and with your licensing body, such that future events are better able to assess the positioning of their PA systems to minimise disturbances to the wider community.

Source of complaint

Parcel of land

Please use this section to provide any evidence you think would be useful for the investigating officer such as correspondence, photographs or videos

Details of your feedback

Complaint

What do you think we did wrong or didn't do?

Host a food festival with no advance warning to local residents for THREE DAYS, this was badged as a food festival and was A LOUD MUSIC FESTIVAL while I understand everyone wants some relief after COVID, so do local residents.

How has the issue affected you or anyone else?

Yes, it was an intrusive and lengthy Unnecessary LOUD distraction on locals in the Hyde Area.

What do you think we should do to rectify the situation?

If you insist on holding these kind of events they need to finish at an early hour to give residents some respite from the noise or hold these events outside the city centre.

I am writing to complain in the strongest possible terms about the "sound stage" you allowed at the Festival in the Recreation Ground.

It shows a blatant disregard for those of us living in range of the noise which must include the majority of people living in Winchester city. We have had this din for three consecutive evenings totally preventing us from **peacefully enjoying** our homes and gardens.

In case you are in any doubt as to the scale of the noise, we live 1 mile from the Rec. and we have recorded peaks of sound up to 70 decibels. Which is 30-40 over the normal ambient sound.

I do have a recording with a sound meter in case you are interested.

Is it too much to ask that you show the smallest amount of responsibility and consideration before allowing people to set up ridiculously powerful sound stages (that would not be out of place at a festival such as Boomtown!) In the very heart of the city!

And to add to the issue **right next to the Nature Reserve!** I don't think I have to tell you that loud noises can cause flight reflexes in wild animals as well as distress. We have seen deer on our side of the river in the evenings as this racket as been going on, obviously feeling safer next to the houses and after crossing the river than they do in their usual habitat.

I think this shows an equal degree of irresponsibility in regards of the safety and well being for the precious wildlife that have only that sanctuary.

I am also sending this as an open letter to the Hampshire Chronicle

Yours etc

I want to complain in the strongest possible terms over the unbearably loud music we're having to endure this weekend from the food festival.

I live in [REDACTED] a good distance from the North Walls recreation ground where the festival is taking place yet the music is so loud that on this very hot weekend we've had to keep windows and doors firmly shut.

I work all week and look forward to resting at the weekend and this weekend it's been impossible. Why have local residents not been informed, let alone been consulted about this event? And why does a food festival need such loud live music? We have a right to the quiet enjoyment of our homes, especially during these stressful times. I don't object to live music but the decibel levels of this event are such that the music can still be heard through double glazing and the walls of my house are vibrating.

It is completely unacceptable to have this 3 days in a row in a populated area. Noise levels like this should be restricted to rock concerts in remote fields.

Dear Councillors

I want to complain about the music festival being held in our residential area, Hyde, for 3 days, and would like you to ensure this type of event isn't repeated.

This is completely unsuitable for this area. My garden is intolerably noisy, meaning staying in with the windows closed on the hottest weekend of the year.

There is an established suitable site for music festivals - Boomtown is held there. Or Bar End/ Garrison Ground are more suitable, and the Council could obtain the revenue from those sites instead without making Winchester residents pay the price in a ruined weekend.

Loud music from lunchtime onwards until the evening, with amplified presenters shouting "Come on let's make some noise" and "Louder" at regular intervals.

There was a planning application posted on North Walls Rec for a "food festival". This is not a food festival, food festivals are about food, not loud music from well known bands. Residents were misled. Was the Council?

I would welcome your comments, and would like your reassurance that:
Music festivals will not be held on the Rec in future.

Any other events will have an agreed decibel limit, and that is monitored during the event and the Council will take responsibility for ensuring it is adhered to. I have phoned the out-of-hours number and the person said it would be a matter for the police post 12pm, otherwise I could fill in a form.

Please ensure the Council prioritises its residents, not visitors.

I am a resident of Hyde living in [REDACTED]. I have lived here over 45 years and over that time obviously the use of the North Walls Recreation Grounds has changed but there have always been events. However, I feel I must complain bitterly over the level of noise that the recent Food Festival 16,17,18 July subjected the residents in this area to, some residents in Saxon Road were also severely affected, I understand! This was unacceptable, and given it was supposed to be a food festival why was there such a volume to the music, especially on Sunday, again totally unacceptable. This festival came hot on the heels of the Hat Fair which was also staged in the far field but as I have said we accept a certain amount of events but they are becoming increasingly intrusive especially when loud music is being constantly jacked up. We now await the Cheese and Cilli Festival in a couple of weeks with trepidation. I appreciate this issue is probably not dealt with by yourself but cannot find an appropriate department to direct this complaint to, the out of service hours telephone for complaints to the Winchester council is not fit for purpose. Can you direct me to the appropriate department but also if you can deal with this issue that would be good, given that you also live in Hyde and must have been affected by the last weekend.

Regards

Your MP, Steve Brine, has recently contacted the Chief Executive of the council, Laura Taylor, after you complained to him about the noise generated by the Foodies Festival held at North Walls Recreation Ground earlier this month. She has asked to me look into the matter and respond to the issue you have highlighted.

Firstly, I am sorry to learn that music at the festival caused a problem for you and I understand that you are not the only resident to raise the matter. Our Environmental Health team has been looking into event as a result.

The festival was marketed as a food event with some music and was held under a premises licence. This permitted live music from 1100-2100 from Friday to Sunday.

As with all licensed events, consideration is given to ensure that there is an appropriate balance of interests between the delivery of a successful event and the prevention of public nuisance.

The licence, which included conditions relating to noise management, was considered to represent an appropriate balance. The impact beyond the site would have been limited therefore providing the event organiser managed the festival in accordance with all the licence conditions.

The licence conditions included the requirement for a Noise Management Plan. It was expected that the event organiser would carry out noise checks to ensure that the volume was at an acceptable level and was not causing disturbance to residents. The licence also required details of the sound system to be used and information to be provided to local residents about the event, including a noise 'hotline number,' that people could call if they were being disturbed.

However, from our initial investigations, it would appear that they didn't comply with all of their licence conditions and, given the number of noise reports received from local residents, it seems that they did not manage noise as they were expected to do.

As a result, our Environmental Health Team are currently investigating further, and have requested a debrief meeting with the event organiser, following which they will determine the most appropriate course of action to prevent a recurrence in the future. This could include an application to review the licence for this event. However, it is too early to say what action is appropriate, and we will want to provide an opportunity for the organiser to respond to these matters, and to review all the information that has come in regarding the impact of the festival.

We will be shortly writing to all of the affected residents to ask if we can use their reports (including name and address where possible) as evidence for any forthcoming licence review. As you contacted us directly about the event you should receive a further communication shortly in this regard.

I hope that this clarifies the current situation but please do get in touch if you have any questions.

Regards,

Simon Finch
Corporate Head of Regulatory